



Appeal Decision

Site visit made on 24 April 2013

by **S J Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 May 2013

Appeal Ref: APP/U2235/A/13/2191283

The Pride of Kent, High Street, Staplehurst, Tonbridge, Kent TN12 0AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Raspberry Homes Ltd against Maidstone Borough Council.
 - The application Ref MA/12/1955, is dated 29 October 2012.
 - The development proposed is conversion of first floor to a self contained flat and the erection of 3No dwellings on land to the rear, involving the demolition of existing rear extensions.
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Decision

1. I dismiss the appeal and refuse planning permission for the erection of 3No dwellings on land to the rear.

Procedural Matters

2. As set out in the heading to this Decision, the original application included the formation of the first floor flat and made reference to demolition. In the event, the Council has since granted permission for the flat conversion, and has granted conservation area consent for the demolition occasioned by the appeal development. The Council has also agreed that the conversion of the ground floor of the former public house to a café does not require permission.

Main Issue

3. In view of the above, the main issue is the effect of the development of the three dwellings on the character and appearance of the Staplehurst Conservation Area.

Reasons

4. Saved Local Plan Policy H28 provides for development such as this within the village boundary of Staplehurst. The National Planning Policy Framework makes clear the need to boost significantly the supply of housing and the importance of sustainable development. This site is within the historic centre of the village, close to many facilities and with ready access to transport. The site is previously developed land and is underused, due to its former association with the public house no longer being applicable. The site is within the Staplehurst Conservation Area and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. In that respect the current appearance of the site, as

vacant land, detracts from the area and there is an opportunity for new development to enhance the surroundings.

5. The area is mixed in terms of the architectural treatment and age of buildings and the nearby part of the High Street displays some attractive groups of buildings on both sides, made the more so by reason of the variety, with examples cited by the appellant of various roof designs all contributing to the character of the area. In the vicinity of the site, the chapel to the south of the entrance to Chapel Lane is a prominent feature of the area, and views towards the proposed three dwellings from the High Street should be seen in this context; a new building could provide an enclosure to the street scene and some structure to the somewhat irregular, unresolved frontage of Chapel Lane.
6. However, whilst the overall width and height of the proposed block, and its sideways location, would not cause harm in this location, there are aspects of the detailed design of the roof and gables that would appear poorly arranged. The roof line would consist of three front gables and three to the rear, with a side-to-side roof, as shown on the roof plan and in elevation. That side-to-side roof would have an identical ridge line as the three gables, with a cruciform arrangement at the centre. This design of roof would appear blocky and poorly articulated, and would risk being poorly executed where four ridges meet. The roof would appear over-dominant and intrusive in views from the High Street and from the east.
7. In addition, the roof arrangement results in two differing elevations consisting of three gable features. As seen from the east, from the far end of Chapel Lane approaching the site, the recessed gable would be an attractive feature with the masonry and other finishes combining well with the arrangement and sizes of windows to provide interest and variety, redolent of the variety in the High Street and presenting an attractive wall elevation. As seen from the west, a particularly sensitive and important viewpoint, the elevational treatment would be less well handled and would cause visual harm through the increased width of the central, now projecting, gable and the unattractive arrangement of windows relative to the wall finishes. The two windows on the central gable end would be inappropriately sited relative to the solid walls between and on either side and the patio door below, leading to an unbalanced elevation seen from the High Street end of the lane.
8. Lastly, the Council refers to the fences that are shown to form the boundary to the site along Chapel Lane and elsewhere. The extent of 1m and 1.8m high close boarded fencing is made clear on the site layout and it is acknowledged that some of this has been permitted as part of the conversion of the first floor. However, the 1.8m high fence to be considered now is shown extending along Chapel Lane for the full depth of the building and the length of the rear garden, which would appear intrusive to the Chapel Lane frontage. Whilst there might be some scope for seeking an alternative through a condition, were all else satisfactory, the use of high boundary treatment on this frontage as shown would divorce the building from its surroundings and result in an unattractive public face to the development. This would not provide the desirable enclosure and structure previously referred to.
9. The development would fail to reach the standard required by the test in Section 72(1) of the 1990 Act as it would not preserve the character and appearance of the conservation area, causing harm to views from the High Street. The provision would not be of the quality sought in section 6 of the

Framework, on the provision of a choice of high quality homes, nor section 7 which seeks good design. With regard to the alternatives in paragraphs 134 and 135, the development would cause less than substantial harm to a designated heritage asset. There are public benefits, as set out previously, in bringing about the use of the site and the provision of housing in a sustainable location, but the failings with regard to the conservation area are real and serious and are not outweighed by these benefits.

10. There had been representation to the Council on other matters, and the appellant has addressed these. Car parking would be satisfactory and in line with policy requirements, with the sustainable location assisting in providing alternatives to the private car. Privacy for both existing and intended occupiers would be acceptable due to there being reasonable separation distances. Nevertheless, the layout and design of the building are not acceptable in the effect on the conservation area and hence for the reasons given above it is concluded that the appeal should be dismissed and planning permission refused.

S J Papworth

INSPECTOR